

February 11, 2011

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: Notice of Oral *Ex Parte* Communication
in MB Docket No. 10-91; CS Docket No. 97-80; PP Docket
No. 00-67

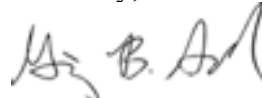
Dear Ms. Dortch:

On February 10, 2011, I met with FCC Chief of Staff Edward Lazarus. This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

I urged that the Commission move forward with a notice of proposed rulemaking on AllVid. I stated first that the Commission is required by Section 629 of the Communications Act to promote competition in the market for navigation devices, and that allegations by opponents of AllVid that the marketplace is teeming with competition are overblown and reminiscent of the arguments made by many of these same parties since Section 629 was enacted in 1996. While in the absence of a meaningful implementation of the law, a few companies have negotiated side deals with MVPDs, the law requires that the Commission assure the availability of video devices "from manufacturers, retailers, and other vendors **not affiliated** with any multichannel video programming distributor." 47 U.S.C. § 549 (emphasis added). Section 629 requires that the market be open to new entrants, not controlled by MVPDs.

I then argued that any legitimate interests of content providers do not present a reason to limit the scope of AllVid, any more than they would require the FCC to limit the functionality of current third-party devices that rely on CableCARD and offer their own custom user interfaces. Additionally, existing licenses deal with MVPDs' expressed concerns as to content protection and privity of contract in ways that AllVid would not disturb. Finally, while consumers should have choices as to which interfaces and devices they use to interact with MVPD content, nothing about the AllVid proposal would prevent MVPDs from continuing to offer their own products, as one choice among many.

Sincerely,



Gigi B. Sohn
President

Cc: Edward Lazarus